

J. MATTHEW WOLFE, ESQUIRE
4256 Regent Square
Philadelphia, PA 19104
(215) 387-7300
Matthew@Wolfe.org

Attorney for Complainant

JIM PIO, COMPLAINANT

FEDERAL ELECTION COMMISSION

V.

BRENDAN BOYLE, RESPONDENT;

CITIZENS FOR BOYLE, RESPONDENT;

KEVIN BOYLE, RESPONDENT; AND

FRIENDS OF KEVIN BOYLE

MUR # 7192

COMPLAINT

And now, Jim Pio, through his attorney, J. Matthew Wolfe, Esquire, respectfully brings this complaint before the Federal Election Commission, respectfully representing as follows:

PARTIES

1. Complainant Jim Pio is a candidate for State Representative in Pennsylvania's 172nd Legislative District whose address is , Philadelphia, PA 19111.
2. Respondent Brendan Boyle is a United States Congressman and a candidate for reelection to the United States Congress whose address is Glenside, PA 19038.
3. Respondent Citizens for Boyle is an authorized political campaign committee formed by Brendan Boyle to operate on his behalf in assisting him in his campaign for reelection to Congress with an address of PO Box 11545, Philadelphia, PA 19116.
4. Respondent Kevin Boyle is a candidate for State Representative in Pennsylvania's 172nd Legislative District whose address is Philadelphia, PA 19111.

5. The Friends of Kevin Boyle is an authorized political campaign committee formed by Kevin Boyle to operate on his behalf in assisting him in his campaign for election as State Representative in Pennsylvania's 172nd Legislative District whose address is
Philadelphia, PA 19115.

FACTUAL BACKGROUND

6. On October 30, 2016 Respondent Brendan Boyle sent out the email that is the subject of this complaint. (A copy of said email is attached hereto and incorporated herein by reference, marked as Exhibit A.)

7. Said email noted that it was being sent from Respondent Brendan Boyle and the email address of the sender was Brendan@voteboyle.com, the email address of Respondent Brendan Boyle at the domain, "voteboyle.com," which is the domain controlled by Respondent Citizens for Boyle.

8. Said email had a logo/letterhead saying "Boyle for Congress" in a logo substantially the same as the logo on Respondent Citizens for Boyle website.

9. The email ends with the complimentary close and signature/writer's identification of "Thank you, Brendan."

10. In the body of the email Respondent Brendan Boyle makes the following request:

Kevin needs help to respond. I've made a contribution to help him fight back and I am asking you to help too. Please go to his website www.votekevinboyle.com and donate as much as you can.

Time is of the essence. We need your support over the next 24 hours to get Kevin's response ad on tv. So I am asking you to please act now.

11. The "Kevin" referred to in that excerpt is Respondent Kevin Boyle.

12. The website that the email directs people to is the website controlled by Respondent Friends of Kevin Boyle, which takes contributions for Respondent Kevin Boyle's campaign.

LEGAL ISSUES

13. The Federal Election Campaign Act, as amended by the Bipartisan Campaign Reform Act of 2002 ("the Act"), provides that Federal candidates and officeholders may not "solicit,

receive, direct, transfer or spend” funds in connection with an election for Federal office or any non-Federal election unless the funds comply with the Act’s amount limitations and source prohibitions. *See* 2 U.S.C. § 441i(e)(1)(A), (B); 11 C.F.R. 300.61, 300.62.

14. Federal candidates like Respondent Brendan Boyle, may not solicit funds outside the Act’s limitations and prohibitions or sign such a communication.

15. The email in this case was sent by Respondent Brendan Boyle and Respondent Citizens for Boyle and requested that unlimited funds be contributed to Respondent Kevin Boyle through Respondent Friends of Kevin Boyle.

16. The Act limits individual contributions to a candidate to \$2,700.00 per election during the present election cycle. 52 U.S.C. §30125(e); 80 Fed. Reg. 5752 (Feb. 3, 2015).

17. The Respondent Brendan Boyle and Respondent Citizens for Boyle violated the Act by soliciting unlimited funds, specifically by soliciting funds in excess of \$2,700.00, for Respondent Kevin Boyle and Respondent Friends of Kevin Boyle.

18. Under the Internal Revenue Service Code (26 U.S.C. §6113), certain tax-exempt organizations that are not eligible to receive tax deductible charitable contributions, and whose gross annual receipts normally exceed \$100,000, must disclose in an “express statement (in a conspicuous and easily recognizable format)” that contributions to the organization are not deductible for Federal income tax purposes as charitable contributions.

19. Respondent Brendan Boyle and Respondent Citizens for Boyle violated the Act by soliciting funds for Respondent Kevin Boyle and Respondent Friends of Kevin Boyle without disclosing in an express statement and easily recognizable format that contributions to Respondents Kevin Boyle through Respondent Friends of Kevin Boyle are not deductible for Federal income tax purposes as charitable contributions.

20. Sources prohibited from making contributions under the Act include national banks, corporations, labor organizations, and foreign nationals. *See* 2 U.S.C. 441a, 441b, and 441e; *see also* 2 U.S.C. 441c (government contractors) and 441f (contributions made in the name of another).

21. Respondent Brendan Boyle and Respondent Citizens for Boyle violated the Act by soliciting funds for Respondent Kevin Boyle and Respondent Friends of Kevin Boyle without

notifying those solicited that national banks, corporations, labor organizations and foreign nationals may not be the source of any contributions, as well as failing to notify those solicited of the restrictions on some government contractors and against contributions made in the name of another.

RELIEF REQUESTED

WHEREFORE, your complainant respectfully requests that the Federal Election Commission investigate these violations, that the appropriate respondents be sanctioned as the FEC deems appropriate, that the appropriate respondents be fined the maximum amount permitted by law, that the respondents be enjoined from further violations of the Act and that any funds collected by Respondent Friends of Kevin Boyle that cannot be clearly attributed to sources other than the solicitation email that is the subject of this complaint be returned to the contributors.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J. Matthew Wolfe", written in a cursive style.

J. MATTHEW WOLFE, ESQUIRE
Attorney for Jim Pio

17047422499

EXHIBIT A

17022444071

----- Original message -----

From: Brendan Boyle <brendan@voteboyle.com>

Date: 10/30/16 7:56 PM (GMT-05:00)

To: -----

Subject: Willie Horton Ad Returns



Dear Friend,

One of the ugly chapters in American political history is the infamous Willie Horton ad. The tv ad was designed to bring in white voters by playing upon racist fears of black crime. Almost 30 years later, the ad is widely one of the worst campaign ads of the 20th century. Even its creator, Lee Atwater, apologized toward the end of his life for its racist intent.

Shamefully, my brother, Pennsylvania State Representative Kevin Boyle, is now the victim of another "Willie Horton" type ad. His Republican opponent is running ads blaming Kevin for the crimes of a recently released illegal immigrant. The ad includes his mug shot. (You can see the ad for yourself below.) The only difference between the Willie Horton ad and this one is that "the other" to now be feared is not a black male, but instead a Hispanic immigrant.

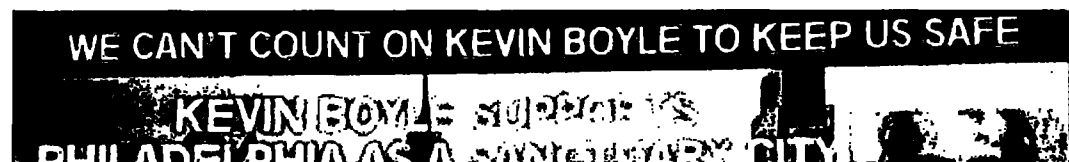
In fact, it's not just one ad. Kevin's Republican opponent has built his ENTIRE campaign around this issue. Every day, voters in his district are receiving mailers like this one.

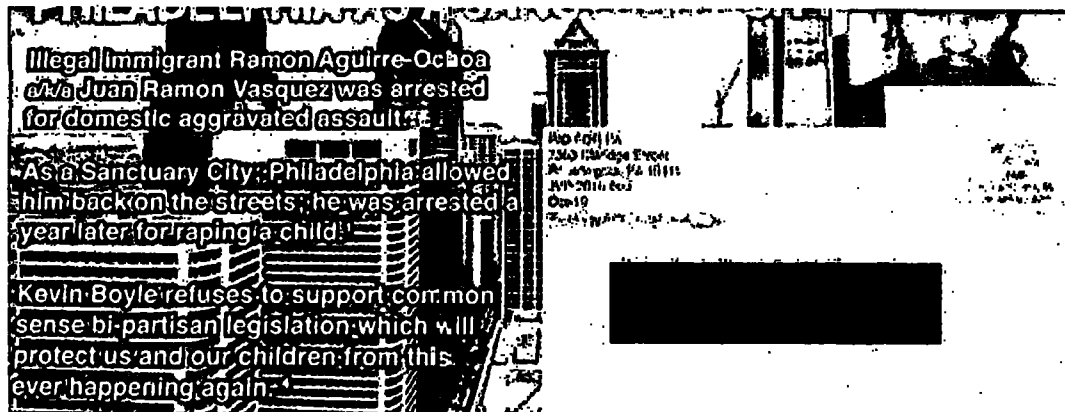
This is disgusting. We cannot allow this to win.

Kevin needs help to respond. I've made a contribution to help him fight back and I am asking you to help too. Please go to his website www.votekevinboyle.com and donate as much as you can.

Time is of the essence. We need your support over the next 24 hours to get Kevin's response ad on tv. So I am asking you to please act now.

Thank you,
Brendan





Paid for by Citizens for Boyle

Boyle for Congress
P.O. Box 11545
Philadelphia, PA 19116



To unsubscribe from this mailing list, click [here](#)

Powered by [NGP VAN, Inc.](#)


This email may contain privileged and confidential information and is solely for the use of the sender's intended recipient(s). If you received this email in error, please notify the sender by reply email and delete all copies and attachments. Thank you.

VERIFICATION

The Complainant, Jim Pio, hereby swears and verifies that the information contained in this complaint is true and correct to the best of his knowledge and belief. Sworn pursuant to 18 U.S.C. §1001 under penalty of perjury.


Jim Pio

Sworn to and subscribed before me this 4th day of November, 2016


Notary Public

